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**‘Voluntary Repatriation’ and the Case of Afghanistan: A
Critical Examination**

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INTRODUCTION

Starting in 2002, the Office of the United Nations High Commissioner for Refugees (UNHCR) has facilitated one of the largest and most rapidly organised voluntary repatriation movements of refugees in modern history¹ (UNHCR 2006a: 144). To date, UNHCR estimates to have assisted 3.7 million Afghan refugees to return to Afghanistan, 2.9 million from Pakistan, 800,000 from Iran, and 14,000 from non-neighbouring states (UNHCR 2007: 3). During the first month of this operation (March 2002) alone, 130,000 Afghans returned with UNHCR assistance and in April this number nearly doubled (Lumpp *et al.* 2004: 150). 'Within another month, the volume of the return movement had reached unprecedented and unexpected levels with a peak of over 377,000 returning Afghans in May 2002' (*ibid.*). This trend and pace of return continued throughout 2002, resulting in the repatriation of over two million Afghan refugees from the neighbouring countries of Iran and Pakistan that year. In the following years, repatriation continued at a slower pace with figures passing the half-million mark each year (UNHCR 2006a: 144).

UNHCR and the international community were highly satisfied, even enthusiastic about the sheer numbers of Afghans opting to return. UNHCR referred to the large numbers as 'triumphs' (UNHCR 2005: 5) and to the repatriation programme as a 'remarkable operation' which provided for a 'solution to what had seemed an intractable refugee situation' (UNHCR 2006a: 144). The case of voluntary repatriation to Afghanistan began to represent successful reconstruction, development and political progress within Afghanistan and its region.

However, a few months into the repatriation programme, increasing ambiguity set in regarding the reality of this 'success story' in the field. Given Afghanistan's history of more than 25 years of war and violence, the country was characterised by extreme levels of insecurity as well as economic, political and social instability. As a result, many refugees who returned to Afghanistan found it difficult to survive in their home areas and were having to consider returning to the country of asylum or becoming internally displaced (Turton and Marsden 2002: 5).

Therefore, given the prevailing UNHCR rhetoric of voluntary repatriation to Afghanistan as a 'success story' on the one hand and the often highly unsatisfactory reality of return on the other hand, questions of agency emerge within the practice of voluntary repatriation: Would refugees voluntarily decide to return to such poor conditions? To what extent and in which ways are refugees involved as stakeholders in these processes, especially in the case of Afghanistan? Who ultimately decides about voluntary repatriation, refugees or other actors?

In this paper I will examine the dimensions of choice and agency for refugees in 'voluntary repatriation' in the case of Afghanistan. Specifically focusing on the voluntary aspect of 'voluntary' repatriation, I will explore its validity, meaning and practice in relation to legal and political dynamics. This analysis will provide the foundation for a wider discussion of voluntariness in the context of repatriation to Afghanistan.

¹ The only exception being the return of nearly 10 million people to the new state of Bangladesh after the Indo-Pakistan war in 1972 (Turton and Marsden 2002: 5).

In the first part of this paper, I seek to place the concept of voluntary repatriation within a legal and normative framework in order to show its comparatively weak foundation in international law. I will argue that this weakness allows for a highly indeterminate and elusive interpretation of standards of voluntary repatriation within UNHCR practice. The importance placed upon voluntariness as an essential requirement for voluntary repatriation has in fact steadily declined over time.

In the second part of this paper, I discuss the geopolitical framework within which voluntary repatriation became the preferred durable solution to the ‘global refugee crisis’ from the perspective of states and UNHCR. In addition, I explore regional political dynamics in order to better explain the political interests involved in the repatriation of Afghan refugees to Afghanistan. I show how these interests have shaped the timing, conditions, and pace of this voluntary repatriation operation, largely ignoring the refugees’ own interests.

In the third part, finally, I focus my analysis on the extent of ‘voluntariness’ of refugees in the case of voluntary repatriation to Afghanistan. I argue that UNHCR as well as host countries have employed measures and practices that have largely ‘induced’ the return of Afghan refugees, rather than having allowed them to decide according to their own free will. I further demonstrate how the voluntary decision-making of refugees as a requirement for voluntary repatriation has been incorporated into UNHCR practice in order to suit the agency’s institutional practice, thereby limiting refugees’ free choices and options regarding repatriation.

The analysis of this paper draws primarily on academic literature from various disciplinary perspectives. In addition, I have incorporated NGO reports, news reports, as well as a vast array of UNHCR documentation. There are, however, considerable limitations to the scope of research based predominantly on secondary sources when examining a practical case study. In this paper I attempt to place the interests of refugees at the centre of my argument and, yet, their individual views and experiences are not incorporated as I have not undertaken research in the field. To compensate for this shortcoming, I have included extracts from interviews of returnees conducted by Amnesty International and Human Rights Watch expressing views on their experiences of return to Afghanistan.

1. LEGAL AND NORMATIVE FRAMEWORK OF VOLUNTARY REPATRIATION

UNHCR practice regarding voluntary repatriation as a durable solution has undergone considerable changes over time. In order to understand these practices and changes it is essential to examine them within both legal and normative frameworks regarding the concept of voluntary repatriation. Although no specific law governs the three durable solutions (Goodwin-Gill 1996: 268) of local integration, third country resettlement, and voluntary repatriation, the latter has gradually developed into the cornerstone of UNHCR's mandate as the preferred durable solution to the ‘refugee problem’. The concept of voluntary repatriation relates to and draws on a number of provisions in international law and has developed into principles within the institutional framework of UNHCR. In order to gain a conceptual understanding of ways in which voluntary repatriation is practised (under which circumstances and with what implications for refugees), it is necessary to investigate its legal and normative sources.

1.1. *Voluntary Repatriation in International Law*

The 1951 Geneva Convention relating to the Status of Refugees and the 1967 Protocol (hereafter Geneva Convention) does not contain a provision on voluntary repatriation. Rather, it implicitly favours local integration on the basis of its ‘so-called exilic bias’ (Chetail 2004: 2). This tendency is evident from the explicit focus on the rights of refugees in the country of asylum in the Geneva Convention as ‘refugees are [...] entitled to benefit from dignified and rights-regarding protection until and unless conditions in the state of origin permit repatriation without the risk of persecution’ (Hathaway 1997: 551). The only direct reference to voluntary repatriation in contemporary refugee law can be found in the 1969 Organisation of African Unity (OAU) Refugee Convention. Article V of this regional convention recognises and stresses the voluntary character of repatriation and defines the responsibilities of both the country of asylum as well as the country of origin (Goodwin-Gill 1996: 271). In addition, the 1984 Cartagena Declaration contains some principles related to voluntary repatriation (UNHCR 2002a: § 10).

Although voluntary repatriation is not directly mentioned by the Geneva Convention, it contains certain provisions that shape and contextualise its legal elements. One such provision in the Geneva Convention is the principle of *non-refoulement*, which protects refugees from forced return:

No contracting state shall expel or return (*‘refouler’*) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership to a particular social group or political opinion (Article 33[1]).

The principle of *non-refoulement* is considered to be the core of refugee protection (Goodwin-Gill 1996: 117), acting as a fundamental safeguard against forced return of any individual meeting the criteria of the refugee definition. Thereby, return to the country of origin can only take place if the individual does so voluntarily, and, therefore, *non-refoulement* paves the way for voluntary repatriation from a legal standpoint. According to the Geneva Convention, a refugee is a person who:

owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such a fear, is unwilling to avail himself of the protection of that country (Article 1 A[2]).

Refugee status ceases to apply to anyone who falls under a set of cessation clauses contained in the Geneva Convention, which spell out the specific situations when refugee status may be terminated.² The first four clauses all relate to situations where the individual

² This Convention shall cease to apply to any person falling under the terms of section A if:

- (1) He has voluntarily re-availed himself of the protection of the country of his nationality; or
- (2) Having lost his nationality, he has voluntarily re-acquired it; or
- (3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or
- (4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution;

has made a voluntary decision resulting in the termination of refugee status. These clauses closely coincide with voluntary repatriation as a refugee needs to decide voluntarily if they want to return to their country of origin and effectively cease to be a refugee. However, the fifth and sixth clauses lay out a situation that is objectively determined, outside of the refugee's will, and for which no consent is needed from the refugee. The country of asylum can therefore terminate refugee status of individuals if it is deemed that the circumstances in the country of origin have fundamentally changed (Chetail 2004: 20-1). Only when one of the last two cessation clauses applies to an individual, can he or she be forced to return to the country of origin without being able to invoke the principle of *non-refoulement*.

The relationship between *non-refoulement*, the definition of refugee status and the cessation clauses, creates a legal space within which voluntary repatriation is taking place. Zieck points out that '[t]he solution of voluntary repatriation is predicated on the quality of refugee status and is acted out between inclusion and cessation' (2004: 36) on the one hand, and the principle of *non-refoulement* on the other hand. Therefore, refugees are by definition 'unrepatriable' as long as they remain refugees; they cannot be forcibly returned. As a result, voluntariness emerges as a legal requirement for repatriation as 'only the refugee can lift the quality of unrepatriability' (Zieck 1997: 430). In normative terms, this seems an obvious and straightforward solution. However, the 'connection between voluntariness and cessation is an ill-defined 'grey-zone' in refugee law' (Takahashi 1997: 601). If a fundamental change in the country of origin took place and cessation applies, refugees can be legally forced to repatriate. However, for voluntary repatriation to be encouraged as a solution, a fundamental change in the country of origin must also occur, and the cessation clauses would already apply. Voluntary repatriation programmes are therefore promoted by UNHCR in situations where the threshold for changed circumstances in the country of origin is lower than that stated in the cessation clauses (UNHCR 1996: § 2.2). The situation in the country of origin can legally be less than ideal (Zieck 2004: 37). However, standards for cessation and repatriation should effectively be the same, otherwise repatriation programmes run the risk of being premature and not necessarily durable. Also, if this issue is related to the purpose of refugee law, the 'protection of those deemed unrepatriable, is by definition not ideal since it takes place prior to the time a cessation of status would be warranted...' (Zieck 1997: 446). This constitutes 'one of the unresolved theoretical paradoxes of UNHCR's institutional responsibilities' (Goodwin-Gill 1996: 270). UNHCR stands to be the primary agency responsible to advocate and strive for the absolute protection of refugees. However, through the promotion of voluntary repatriation, the organisation is accepting situations in countries of origin to be less than ideal as set out in the Geneva Convention. By compromising its protection principles in relation to voluntary repatriation, UNHCR departs from the legal framework of the Geneva Convention.

International refugee law does not offer a reliable, adequate legal basis for the concept of voluntary repatriation. International human rights law on the other hand, provides a more substantial legal basis for voluntary repatriations initiated by UNHCR (Chetail 2004: 30). According to UNHCR, the basic principle underlying voluntary repatriation is the right

(5) He can no longer, because the circumstances in connection with which he has been recognised as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of the country of his nationality; [...]

(6) Being a person who has no nationality he is, because the circumstances in connection with which he has been recognised as a refugee have ceased to exist, able to return to the country of his former habitual residence (Article 1 C).

to return to one's own country (UNHCR, 1996: § 2.1), embodied in numerous multilateral instruments of universal as well as regional scope. The Universal Declaration of Human Rights spells out the right to return in that 'everyone has the right to leave any country, including his own, and to return to his country' (Article 13[2]). Also, the International Covenant on Civil and Political Rights states that 'no one shall be arbitrarily deprived of the right to enter his own country' (Article 12[4]). And the Convention on the Elimination of All Forms of Discrimination contains a provision on the right to return (Article 5). At the regional level, the right to return is further reinforced by most instruments relating to human rights, such as the European Convention on Human Rights (Article 3[2]), American Convention on Human Rights (Article 22[5]) and African Charter on Human and People's Rights (Article 12[2]) (Chetail 2004: 25).

Theoretically, in the above charters and articles, the right to return serves as a legal precondition as well as a legitimising source to realise voluntary repatriation. 'The right to return, as enshrined in the human rights treaties, contributes therefore to fill the silence of the Geneva Convention in terms of repatriation, highlighting the interplay between these two branches of international law' (ibid.: 26). However, as Takahashi rightly points out, 'emphasising the "right to return" may lead to insufficient attention being paid to the core principle of refugee protection, which is that as long as danger exists people must be given protection' (1997: 611).

Voluntary repatriation is further regulated by special or tripartite agreements, signed between governments: the country of asylum, the country of origin, as well as UNHCR. These agreements are directed by international law and constitute legally binding treaties (UNHCR 2002a: § 10). They usually concern the more significant voluntary repatriation operations and set out the respective duties and responsibilities of their signatories, as well as the rights of refugees and returnees. The voluntary nature on the part of the refugee is mentioned alongside return in safety and with dignity (UNHCR 1996: annex 5). In general, tripartite agreements will comprise the general norms governing voluntary repatriation; however, the extent to which those norms are elaborated in the agreements varies according to the envisaged system of implementation (Zieck 2004: 39).

Tripartite agreements between governments and UNHCR govern the practical, legal frameworks for the voluntary repatriation of refugees. This implies that UNHCR and governments assume decision-making as far as the creation of legal instruments for voluntary repatriation is concerned. After this decision is made and the major mechanisms are in place, the refugee can merely confirm and underwrite those decisions by stating that he or she will return voluntarily (Zieck 1997: 122). Harrell-Bond further argues that tripartite agreements are drafted and signed without consultation with refugees, either on an international or local level. Refugees are simply informed that it is now safe for them to return (1989: 56). Tripartite agreements as legal frameworks governing voluntary repatriation seem to exclude the refugees' participation and decision-making completely, before regulating conditions and rights of refugees with regards to voluntary return. Harrell-Bond even suggests that 'such tripartite agreements encourage the use of refugees, as pawns in interstate relations' (1989: 45). Clearly, the legal framework lies well outside the refugees' realm and is implemented by governments and UNHCR instead.

1.2. Voluntary Repatriation and the Role of UNHCR

The following argument draws on Chetail's (2004) analysis of UNHCR's institutional developments of the principle of voluntary repatriation as a useful framework for highlighting the gradual changes of requirements for voluntary repatriation. Although voluntary repatriation is not regulated by a legally binding instrument (it is not mentioned specifically in the Geneva Convention), voluntary repatriation as the preferred durable solution nevertheless gradually developed into the cornerstone of UNHCR's mandate.

The sole UNHCR reference to voluntary repatriation can be found in its Statute, calling upon the High Commissioner to facilitate and to promote voluntary repatriation (Chetail 2004: 11). It states that UNHCR 'shall assume the function [...] of seeking permanent solutions for the problem of refugees by assisting governments [...] and private organisations to facilitate the voluntary repatriation of such refugees, or their assimilation with new national communities' (UNHCR Statute 1950: § 1). It further reiterates that the High Commissioner shall provide for the protection of refugees by 'assisting governmental and private efforts to promote voluntary repatriation or assimilation within new national communities' (ibid.: § 8[c]). Although the Statute does not lay out a hierarchy between the three durable solutions, the international community has been emphasising the role of voluntary repatriation as the preferred durable solution since the 1980s. Subsequently, 'UNHCR has been called upon by the General Assembly to carry out various functions in connection with large-scale repatriation operations, which have resulted in an expansion of the original terms of its mandate, more particularly as regards the provision of assistance to countries of origin to facilitate the re-integration of returning refugees' (Chetail 2004: 12).

UNHCR's role and mandate shifted therefore from the relatively passive facilitation of voluntary repatriation to an active promotion of and engagement with it in countries of origin. Integral to this is that 'returnees' have recently been included in UNHCR's category of 'persons of concern' 'until they are successfully integrated into their communities' (UNHCR 2006b: 30). This expansion has been accompanied by a definition of relevant principles and guidelines by UNHCR in an attempt to regulate its new responsibilities. The Executive Committee (hereafter ExCom) of the High Commissioner's Programme has tried to fill the gap relative to the legal content of voluntary repatriation by addressing the issue in detail in its Conclusion n° 18 (XXXI) in 1980. The adopted guidelines stress 'that the essentially voluntary character of repatriation should always be respected' (Section [b]) and further emphasises voluntariness as absolute precondition for repatriation (Section [a]-[e]). However, the issue of change of prevailing circumstances in the country of origin is not explicitly mentioned in this document. 'Voluntariness seems therefore to be the sufficient and necessary prerequisite' (Chetail 2004: 14), emphasising the subjective element of voluntary repatriation over the objective one relating to conditions in the country of origin. In its subsequent document, Conclusion n° 40 (XXXVI) adopted in 1985, the voluntary character of repatriation as central criterion is reiterated (Sections [a], [b]), this time alongside the importance of change in the country of origin. It states that 'the voluntary and individual character of repatriation of refugees and the need for it to be carried out under conditions of absolute safety, preferably to the place of residence of the refugee in his country of origin, should always be respected' (Section [b]).

In 1996, UNHCR attempted to clarify the guidelines set out by previous ExCom Conclusions by having developed the UNHCR *Handbook on Voluntary Repatriation*. 'It

provides a more substantial theoretical framework in defining the basic components of voluntary repatriation and in highlighting the interaction between its voluntary nature and the change of circumstances in the country of origin' (Chetail 2004: 15). This document defines the principle of voluntariness in relation to both 'the conditions in the country of origin, calling for an informed decision, and the situation in the country of asylum, permitting a free choice' (UNHCR 1996: § 2.3). The voluntary character is seen as 'the cornerstone of international protection with respect to the return of refugees' (ibid.). In addition to the requirement of voluntariness for voluntary repatriation, the *Handbook on Voluntary Repatriation* includes another component as essential prerequisite. This is the concept of return in safety and with dignity, defined as: 'return which takes place under conditions of legal safety,³ physical security,⁴ and material security'⁵ (ibid.: § 2.4). On the other hand, it is also noted that:

[t]he concept of dignity is less self-evident than that of safety. [...] Elements must include that refugees are not manhandled; that they can return unconditionally and if they are returning spontaneously they can do so at their own pace; that they are not arbitrarily separated from family members; and that they are treated with respect and full acceptance by their national authorities, including the full restoration of their rights (UNHCR 1996: § 2.4).

Chetail suggests that although the 1996 *Handbook* defines voluntary repatriation in relation to the two preconditions of (i) voluntary nature and (ii) change of circumstances, the new concept of safety and dignity overemphasises the objective element to the detriment of the subjective one (2004: 17). This approach becomes evident by looking at UNHCR's background note on Voluntary Repatriation, adopted for the Global Consultations on International Protection in 2002, stating that '[t]he search for solutions has generally required UNHCR to promote measures [...] to establish conditions that would permit refugees to make a free and informed choice and to return safely and with dignity to their homes' (UNHCR 2002a: § 14). Simultaneously, UNHCR confirms that 'the core of voluntary repatriation is return in and to conditions of physical, legal and material safety' (ibid.: § 15). Thus, UNHCR essentially defines voluntariness in vague and broad terms, whereas the concept of safety and dignity is clearly emphasised over the requirement of a truly voluntary character of repatriation, in effect presupposing the will of refugees. 'After being considered as the exclusive criterion during the 1980s, voluntariness is nowadays overridden by the objective conditions prevailing in the country of origin' (Chetail 2004: 17-8).

The only legal basis of voluntary repatriation rests on guidelines enshrined in the 1996 *Handbook*, without any legally binding framework. These guidelines, therefore, have to be interpreted in relation to conditions in the country of origin by UNHCR and states, whose assessment of conditions in the country of origin are understood as 'objective'. The implication of this practice is that refugees lose their power of decision-making in a process that largely concerns themselves. Chimni argues that 'most often, what objectivism tends to do is to substitute the subjective perception of the state authorities for the experience of the refugee' (1999: 7). Whilst it is crucial to consider and assess conditions in the country of origin with regard to change, this component within voluntary repatriation should not overshadow the subjective will and decisions of refugees. A fundamental change must have

³ such as amnesties or public assurances of personal safety, integrity, non-discrimination and freedom from fear of persecution or punishment upon return

⁴ including protection from armed attacks, mine-free routes and if not mine-free than at least demarcated settlement sites

⁵ access to land or means of livelihood

taken place in the country of origin, ideally assessed by NGOs or other independent bodies, according to human rights standards, for repatriation to be durable and sustainable (Takahashi 1997: 594). However, in overemphasising the ‘objective’, ‘state assessed’ component over the subjective, ‘refugee assessed’ one, there is a danger of eroding the rights of refugees in a system where powerful actors (states and UNHCR) may not always act in their best interests.

Considering this, it becomes evident that voluntary repatriation is a largely indeterminate legal concept. Although UNHCR’s mandate has expanded over the last 25 years and is actively promoting voluntary repatriation as the ideal solution to the ‘refugee problem’, voluntary repatriation is not directly mentioned in universal refugee law. Indeed, one can observe a ‘growing discrepancy between the institutional responsibilities of UNHCR and the legal framework provided for by the Geneva Convention’ (Chetail 2004: 11). This discrepancy has prompted one observer to note that ‘the notion [of voluntary repatriation] represents a policy recommendation for states, rather than a legal obligation’ (Barutciski 1998: 247). Due to the absence of legally binding provisions regulating voluntary repatriation, the process has been conceptualised in a very flexible or even elusive manner in UNHCR guidelines, most recently in its 1996 *Handbook on Voluntary Repatriation*. The core component, voluntary nature of repatriation, has been eroded over time and replaced by emphasis on the notion of safety and dignity, thus according more weight to an ‘objective’ assessment of the situation in the country of origin by states and UNHCR than to the subjective will of refugees. This development has serious implications for refugees and their power in decision-making. As illustrated above, voluntary repatriation is not governed by the sole interests of refugees, but its flexible guidelines can be easily manipulated by powerful state interests, often to the detriment of the refugee. Voluntary repatriation is implicitly a function of political, social and economic considerations of the countries involved.

2. POLITICAL DYNAMICS OF VOLUNTARY REPATRIATION

The evolution of the concept of voluntary repatriation in legal and normative terms as the ideal solution to the ‘refugee problem’ did not develop without political pressure from states. Geopolitical developments were largely responsible in shaping this turn in global refugee policy, by primarily domestic and security interests of powerful states, with which the hosting and admitting of refugees is seen as incompatible. It is crucial to explore the position of states and the role of UNHCR with regard to refugee policy over time in order to identify the larger political framework underlying voluntary repatriation and its practice. Furthermore, focusing specifically on the case of Afghanistan, it is necessary to understand the political dynamics that have permitted return and explore its implications for refugees and their role in this process.

2.1. *Geopolitical Considerations and Voluntary Repatriation: ‘The Ideal Solution’*

The significance accorded to refugees in international politics has undergone substantial changes over time according to prevailing geopolitical situations. As Chimni points out, ‘in the post-1945 period the policy of Western states has moved from the neglect of refugees in the Third World to their use as pawns in Cold War politics to their containment now’ (1998: 350). After the end of World War II, Western Europe was largely dealing with post-war refugees in a context of relative economic expansion with plenty of

opportunities for resettlement. In addition, European refugees from communist states possessed ideological and geopolitical value in the Cold War context and were readily accepted by Western states (Gibney 2004: 3). However, after the end of the Cold War, refugees were no longer seen as ideological or geopolitical assets but rather as obstacles to the integrity of national interests and security.

Since the early 1980s the numbers of refugees and asylum seekers arriving at the borders of Western states has increased dramatically. The total number of asylum applications across Western Europe averaged around 13,000 per annum in the 1970s, had risen to 170,000 by 1985, and between 1985 and 1995, 5 million people claimed asylum in Western states (Gibney 2004: 3). This has largely been perceived as ‘flooding’ the countries of the West, exceeding their fragile absorption capacities. Hosting such large numbers of refugees and asylum seekers was seen as putting a huge strain on the welfare services of Western states, especially as much of the Western press has depicted images of ‘bogus’ asylum seekers or ‘illegal’ refugees exploiting the generous economies of Western states (ibid.: 10). Also, whereas previous refugees originated mainly in Europe, asylum seekers who arrived since the 1980s were viewed as ‘new asylum seekers’, arriving from the global South with differing ethnic and cultural backgrounds, somewhat challenging the social cohesion of Western states (Chimni 1998: 350).

The dominant concerns of states associated with the influx and hosting of refugees are: financial costs, soaring numbers as well as the cultural and ethnic ‘otherness’ of refugees and asylum seekers. It has been suggested that such concerns have resulted in the ‘securitisation’ of refugees (Huysmans 2006: 45-8). Another scholar has emphasised that such a reaction is due to the fear that ‘a large influx of refugees or unwanted migrants can strain the economy, upset a precarious ethnic balance, generate internal violence, or threaten a political upheaval at the national or local level’ (Weiner 1995: 131). Refugees are thus perceived as security threats in domestic politics and society, legitimising state power and discretion in dealing with migratory flows.

The growing dominance of this uncomfortable way in which refugees are perceived by states initiated a dramatic shift in policy terms towards refugees and translated into a series of restrictive measures, constituting today’s non-*entrée* regime. Over the last three decades, governments of the world’s richest states have implemented measures to prevent as well as deter potential asylum seekers from their territories by employing external practices such as visa regimes, carrier sanctions and airport liaison officers, as well as internal ones such as detention, dispersal regimes and restricting access to welfare and housing (Gibney 2004: 2).

Therefore, Western states are keen to keep refugees and asylum seekers off their territories. The obvious solution to this ‘threat’ is to return existing refugees to their countries of origin. Therefore, voluntary repatriation has become the ideal and most desirable solution for states to deal with the ‘refugee crisis’, overriding and neglecting the importance and practice of the other durable solutions. This becomes evident when looking at the declining numbers of refugees being resettled: ‘while between 1912 and 1969 nearly 50 million Europeans sought refuge abroad and all of them were resettled, [...] it is today offered to less than one percent of the world’s refugees’ (Chimni 1998: 364). Within this framework, the concern of and for the state is given primacy over that of refugees.

UNHCR is the major actor in the global refugee regime. The organisation has been established to provide protection for refugees as well as find lasting solutions to their situations. UNHCR has embraced voluntary repatriation as preferred durable solution since the 1980s, accompanied by the evolution of norms and principles governing voluntary repatriation enshrined in their *Handbook on Voluntary Repatriation*. As argued above, the concept of voluntary repatriation has developed into the cornerstone of UNHCR's mandate. Although UNHCR was created by UN member states to be a non-political agency and an advocate for refugees, the organisation operates in a highly politicised arena, constantly challenging states' sovereignty in dealing with their own internal affairs (Loescher 2001: 2). Simultaneously, the agency depends on financial contributions from member states and is therefore severely restrained in its actions and independence (ibid.: 5-6). As a result, UNHCR struggles to stay neutral, but 'walks a tightrope, maintaining a perilous balance between the protection of refugees and the sovereign prerogatives and interests of states' (ibid.). Harrell-Bond goes even further in arguing that 'UNHCR cannot act as a neutral body with the necessary freedom of action to represent single-mindedly the interests of refugees when these interests do not conform with those of the states supporting it.' (Harrell-Bond 1989: 45) States remain the dominant actors in the international refugee regime and it is therefore hardly surprising that UNHCR's protection policies depend on prevailing geopolitical considerations of states with regard to refugees.

Since the 1980s, UNHCR began to develop new concepts and practices of protection in light of the changing state attitude towards refugees after the end of the Cold War. The organisation embarked on a new humanitarian discourse employing the rationale of bringing relief to people rather than waiting for people to reach relief (Loescher 2001: 15; Barnett 2001: 32). A new focus on Internally Displaced Persons (IDPs) was initiated as well as the support of development projects, reconstruction or reintegration efforts in order to eliminate 'root causes' of refugee flows (Barnett 2001: 32). This new focus on humanitarianism has been interpreted in terms other than the purely noble. The containment, not protection of refugees is intended and people are effectively prevented from fleeing to other countries for safety (ibid.: 33). Voluntary repatriation is central to this new UNHCR agenda, and coincides neatly with the desire of Western states to keep refugees in their countries of origin.

By the mid-1980s, UNHCR became identified with costly long-term care and maintenance of refugee camps around the world. Donor states wanted to reduce costs and seek alternative solutions to the global 'refugee problem'. Corresponding with their interests in keeping the number of asylum seekers and refugees to a minimum, as well as minimising the costs for contributions to UNHCR, donor governments in the West encouraged UNHCR to promote voluntary repatriation on a larger scale. By 1991, the new High Commissioner for Refugees, Sadako Ogata, declared the 1990s to be the 'decade of voluntary repatriation' (cited in Loescher 2001: 280). According to UNHCR, more than 9 million people were repatriated between 1991 and 1996, compared to 1.2 million between 1985 and 1990 (ibid.: 283). The new thinking on voluntary repatriation became increasingly flexible, based more on pragmatic considerations, which resulted in refugees being 'voluntarily' repatriated despite highly unsafe conditions. Gradually, the requirements and standards for voluntary repatriation in terms of voluntariness, as well as improvements in the countries of origin, were eroded, making premature returns to dangerous situations and regions more likely (ibid.). This gradual erosion of standards is also apparent when looking at the evolution of principles regulating voluntary repatriation, resulting in the creation of guidelines, developed and implemented alongside UNHCR practice. Where once voluntariness was the most

important criterion for voluntary repatriation, it is now overshadowed by the elusive term of return in 'safety and dignity'.

However, this new 'repatriation turn' has also ethical and moral foundations within UNHCR institutional thinking. It is justified with reference to human rights, which are associated with returning 'home'. As already discussed previously, the UNHCR *Handbook on Voluntary Repatriation* reiterates the importance of international human rights law as the basis for the concept of voluntary repatriation (UNHCR 1996: § 2.1). Furthermore, UNHCR's use of language assumes ties of belonging to the 'homeland' and the desire of all refugees to return 'home'. As stated in a UNHCR report about voluntary repatriation of Afghans from Pakistan, 'no matter how underdeveloped or damaged, home is where the heart is' (UNHCR 2005: 21).

Within academia, there is some support to this discourse, evident from Frelick's arguments that the biggest challenge and aim for refugee protection is 'to help bring [refugees] out of their misery and restore them to lives of normalcy and productivity' (1990: 442). According to this view, the state of refugeehood is seen as an abnormal state, which needs restoring by means of return. Frelick adds that 'we all have a right to our homeland, to live in peace and security in the places of our birth, our ancestors, our culture, our heritage' and that: 'exile is alienation that saps the refugee of strength and denies him or her of happiness, [...] the most straightforward solution to this alienation is to stop being an alien, that is, to return home – repatriation' (1990: 445). The underlying assumption is that repatriation brings the refugee cycle to an end (Black and Koser 1999) and results in a positive continuation of life left behind.

This thinking, however, rests on assumptions which are not substantiated by evidence or independent research (Harrell-Bond 1989). Warner (1994) contests these assumptions and shows how 'home' can have multiple meanings for refugees, not tied to a single territorial place. He argues that this approach largely ignores temporal and spatial considerations in defining 'home' and the relationship between refugees and their perception of 'home'. UNHCR assumes refugees to be a homogeneous mass with identical desires and uses homeland as the basis for home. However, it has been argued that the factor of time and generation is crucial to take into account and that 'home' can evolve during exile taking on a space different from that of the country of origin (Warner 1994). Also, the country of origin might undergo significant changes during the time refugees spend in exile, and they return to a place very different than that they originally left (*ibid.*). Voluntary repatriation is closely tied to an imagined reality and 'denies the temporal reality of our lives and the changes that take place over time' (*ibid.*: 170). Therefore, the assumptions underlying and justifying the notion of voluntary repatriation are seemingly flawed and ill-conceived. Furthermore, the problem with these assumptions is that once voluntary repatriation is presented 'as the humane solution, it generates undue pressure to pursue it even when it is relatively inappropriate; an idealised image of the ultimate solution legitimises a degree of coercion since it is perceived as a solution which the refugees should themselves desire most' (Chimni 1991: 543).

The solution of voluntary repatriation does not necessarily provide the best solution for refugees, although UNHCR firmly believes that '[f]or millions of refugees, voluntary repatriation remains the most preferred durable solution to their plight' (Bijleveld 2004: 1). It is impossible to generalise about refugees' aspirations and desires; these generalisations are mere assumptions. There is no such phenomenon as the 'refugee experience' and therefore

there cannot be one solution that solves the ‘refugee problem’, for refugees. However, voluntary repatriation is the perfect solution to the states’ perception of the ‘refugee problem’. It seems that ‘what may be termed the “repatriation turn” in refugee policy was [...] the outcome of a marriage between convenient theory, untested assumptions and the interests of states’ (Chimni 1998: 364-5). The evolution of such a powerful framework within which voluntary repatriation is the dominant solution, already provides some degree of coercion for refugees. States, not refugees, decide which solution should govern the refugee’s situation.

2.2. *The Politics of Voluntary Repatriation to Afghanistan*

This restrictionist refugee agenda pursued by the West has huge repercussions for states in the global South, which host the majority of the world’s refugees. Donor states’ unwillingness to provide adequate numbers of opportunities for refugees to resettle in their territories, as well as declining financial contributions to UNHCR and host states, often leads to very poor states hosting large numbers of refugees over long periods of time. The absence of burden-sharing by donor states is therefore evident on two levels: those of resources and asylum (Chimni 1999: 11). Poor states, suffering economic crises and simultaneously hosting large numbers of refugees, increasingly see repatriation as a highly desirable solution to relieve their ‘burden’.

The case of voluntary repatriation to Afghanistan epitomises the forces of regional as well as international factors in shaping the implementation of this ‘preferred’ durable solution. The political situation leading up to the large scale repatriation movement of Afghan refugees was largely induced by Iran and Pakistan’s resentment at hosting the largest refugee population in the world over more than two decades and without much assistance from the international community. Thus, an analysis of regional political and historical contexts with regard to Afghan refugees is vital to understand the dynamics surrounding their ‘voluntary repatriation’ from the year of 2002.

However, despite their precarious economic situations, Pakistan and Iran initially welcomed Afghan refugees largely on the basis of religious sympathy. As the Soviet Union constituted a non-Islamic power as aggressor, both countries saw it as their religious and humanitarian duty to admit and host Afghan refugees within their territories (Turton and Marsden 2002: 14). In Pakistan, refugees were predominantly housed in camps, which were established along the border with Afghanistan, especially in the Northwest Frontier Province (NWFP). The international community provided assistance to these camps, supplying tents, other non-food items and food rations. In addition, NGOs were contracted by UNHCR to organise education, health care, water supply and sanitation services, together with vocational training and income generation schemes. Furthermore, Afghan refugees were permitted to move freely around the country in search of employment.

The assistance offered to Afghan refugees in Pakistan by the international community was relatively generous. Between 1979 and 1997 UNHCR spent more than US\$ 1 billion on refugees in Pakistan (ibid.: 11). In addition to official aid, large amounts of ‘unofficial aid’ poured into refugee camps in the country. As part of the Cold War the United States particularly had a strategic interest in supporting the fight against the Soviet Union in Afghanistan. During the 1980s some refugee camps were used as *mujaheddin* training camps, from which incursions into Afghanistan took place. Disguised as ‘humanitarian aid’, large

amounts of financial and military assistance, estimated at around US\$ 4-5 billion, were distributed to the *mujaheddin* or ‘fighters in *jihad*’ between 1980 and 1992 under the coordination of the Central Intelligence Agency (CIA) and the US Agency for International Development (USAID) (*ibid.*).

The same amount of aid was not made available to refugees in Iran. Between 1979 and 1997 refugees in Iran received US\$ 150 million in aid, whereas refugees in Pakistan received US\$ 1 billion during the same time (Turton and Marsden 2002: 11). As a result, Afghan refugees in Iran were largely left to their own devices and many established themselves in the poorer neighbourhoods of the major cities. Whilst comparatively few settled in camps established along the border, from which incursions into western Afghanistan were launched, these were on a much smaller scale and without US support. The Iranian government gave refugees access to free education, health services and subsidies on basic amenities. Moreover, refugees were allowed to work in one of 16 designated, menial occupations (*ibid.*: 11-2).

However, with the withdrawal of the Soviet Union from Afghanistan in 1989, the West lost strategic interest in the region. Although Afghans continued to flee to Pakistan and Iran throughout the 1990s due to continuing violent conflict and drought, donors encouraged the World Food Programme (WFP) and UNHCR to scale down the level of support to camp-based refugees in Pakistan (Turton and Marsden 2002: 13). As a result of the declining assistance from the international community, as well as the steady outflow of Afghans to Pakistan and Iran, both host countries increasingly hardened their attitude to their existing and newly arriving refugee populations, translating into hostile practices towards refugees (*ibid.*: 12-4). After having hosted the largest refugee population in the world, of around 6 million, for more than two decades, a state commonly referred to as ‘asylum fatigue’ set in. With little assistance from the international community, Pakistan and Iran found themselves dealing with the ‘problem’ of Afghan refugees largely on their own, and therefore became keen to relieve this ‘burden’ by the return of the refugees to Afghanistan.

Within this context, Afghanistan itself played a major role in advocating for the return of its citizens in exile. After the Taliban regime was overthrown by military action of the Coalition forces in October 2001, efforts were quickly made to re-establish a democratic government in Afghanistan. The international community initiated talks under UN auspices among Afghan factions as well as other Afghan representatives in November. This resulted in signing the ‘Agreement on Provisional Arrangements in Afghanistan Pending the Reestablishment of Permanent Government Institutions’, or the so-called Bonn Agreement. This agreement sealed the official transfer of power to an Interim Authority on 22 December 2001 (Lumpp *et al.* 2004: 152). Furthermore, early in 2002, the international community committed to supporting Afghanistan’s rehabilitation with US\$ 4.5 billion in aid over a period of five years (Strand and Bauck 2004: 152).

However, progress with reconstruction, rehabilitation and peace-building has been relatively unsuccessful. In 2003 Amnesty International issued a report on Afghanistan stating that it ‘is not a country that has crossed over into a post-conflict situation’ (Amnesty International 2003a: 21). The security has steadily deteriorated with continued factional fighting among regional and local elites, targeting of aid personnel, crime and banditry, and the resurgence of forces allied to the Taliban. A situation of generalised instability continues to prevail in approximately 60 percent of the country. One of the biggest challenges for the

Transitional Administration (previously Interim Administration), chaired and presided over by Hamid Karzai, was to effectively govern Afghanistan, restore security across the country and introduce the rule of law. The government is still struggling to build a power base beyond Kabul, and warlords hold power where the central government cannot. Turton and Marsden refer to Afghanistan as a 'quasi-state': 'a state, although recognised as such by the international system of states, [which] does not have the effective power and institutional authority to protect the rights, and provide for the social and economic welfare of its citizens' (2002: 35). The government, struggling for legitimacy and power, needed to mobilise support to improve its weak position in the nation-building process. As Black and Gent state, 'the continuing existence of a displaced population represents a barrier to the legitimacy of post-conflict states' (2006: 17), not least in consideration of the fact that they remain, in effect, voters in exile. Naturally, the government has been keen for Afghan refugees to return to be part of Afghanistan's reconstruction process. Thus they are often used as political tools, 'voting with their feet'; the return of Afghans is seen as 'a massive vote of confidence by "ordinary" Afghans' (Turton and Marsden 2002: 43). With this in mind, Karzai called for Afghans in exile to repatriate, issuing the 'decree on dignified return' in June 2002. In this powerful message the government of Afghanistan 'warmly welcomes Afghan nationals who were compelled to leave the country and assures them of non-discrimination, freedom from persecution and protection by the state' (Lumpp *et al.* 2004: 157).

Nevertheless, interests in the repatriation of refugees back to Afghanistan are not just regional. For the US and its allies voluntary repatriation is ideologically significant to the 'war on terror' and a measure of its success. As the terror organisation Al Qaeda was held responsible for the attacks on 11 September 2001, coalition forces overthrew the Taliban in a relatively short time. In addition to the 'war on terror', the international coalition cited humanitarian reasons to justify military intervention in Afghanistan (Strand and Bauck 2004: 150-1). Afghans returning voluntarily help legitimise the military operation in Afghanistan, implying success in defeating the forces that led Afghans to flee persecution, including widespread human rights violations. The return of refugees allows the coalition to lay claim to paving the way for the restoration of a functioning democratic government: one which protects its citizens, respects human rights and the rule of law. Such a presentation lends the 'war on terror' in Afghanistan legitimacy, credibility and continued international support.

Western states were also keen to see the return of those Afghan refugees they were themselves hosting. This would require a voluntary repatriation programme to be implemented in the region. As Afghan refugees topped the list of asylum applicants in Europe for over a decade (van Selm 2002: 16): 'there was, therefore, interest by some countries in Europe, to explore the possibility of "opening" the tripartite framework for voluntary repatriation' (Lumpp *et al.* 2004: 156). Tripartite agreements between Afghanistan, UNHCR and a number of European governments were thus signed relatively quickly after voluntary repatriation began in Iran and Pakistan. France signed the agreement in September 2002, the UK in October 2002 and the Netherlands in March 2003 (*ibid.*). This can be understood as part of the prevailing efforts by Western states to minimise the numbers of refugees and asylum seekers in their territories. The fact that Afghan refugees returned 'voluntarily' from Iran and Pakistan to Afghanistan, coupled with the establishment of a western-backed government in Afghanistan, was seen as reason enough to assume the country's safety and therefore to see asylum claims as largely unfounded (Blitz *et al.* 2005: 183). As a result, and despite travel warnings from the Foreign Office, 35 rejected asylum seekers were forcibly returned from the UK to Kabul in April 2003, constituting the first

deportations to Afghanistan since 1995 (ibid.). In addition, a number of states hosting Afghan refugees have instituted incentive programmes in order to 'induce' 'voluntary' repatriation through measures such as financial awards and free transport to Afghanistan (Amnesty International 2003a: 11).

Within an international framework which is largely characterised by hostile and restrictive policies, the voluntary repatriation of refugees emerged as the ideal durable solution in solving the international 'refugee crisis'; and 'legitimately' protecting domestic interests whilst largely adhering to international legal standards. UNHCR, as one of the main actors in the international refugee regime, reiterates this rationale by increasingly facilitating this solution under more and more unsuitable conditions. The case of voluntary repatriation to Afghanistan is a function of political forces consisting of strong regional as well as international state interests. UNHCR even states that this repatriation programme 'provided valuable opportunities for political cooperation on an issue that has been the source of considerable regional tension' (2006a: 144). It seems that there is 'something in it for all' when looking at the gains and interests of various actors directly as well as indirectly involved in this process. The US and its allies have succeeded on a military as well as humanitarian basis in Afghanistan; Western host states have more legitimacy to return Afghan refugees, and thus reduce numbers of refugees; the government of Afghanistan can consolidate and build its power base through the return of its citizens; Iran and Pakistan are largely relieved of the burden of hosting the largest refugee population in the world.

However, where does that neat calculation leave refugees? Refugees themselves are conspicuously absent from this list of beneficiaries. Rather, 'as long as Afghanistan remains a hotbed for international and regional forces in their struggle for influence and/or against terror, the Afghan refugees remain a useful tool' (Strand and Bauck 2004: 136). It seems quite evident that there are powerful interests in place that have shaped and governed the solution of voluntary repatriation for Afghan refugees. The lack of agency and choice for refugees already implies some degree of coercion in terms of which actors shape the framework in this process. The solution works perfectly if refugees actually decide entirely voluntarily to return. But as this framework is initiated by external actors, it is questionable that refugees have viable choices. Once these external interests are so powerful, there are serious implications for the ability of refugees to exercise voluntary decision making. In such a politically charged situation principles and standards ensuring 'voluntary' repatriation are likely to be bent and interpreted in rather liberal ways. The principles and guidelines set out in normative and legal terms are highly flexible and give way to a equally flexible set of standards governing voluntary repatriation. Despite, or because of, these legal and normative frameworks restricting or ignoring the actuality of refugees and their subjective decisions to return to Afghanistan, it is crucial also to analyse these very decisions: the ways in which and under what exact circumstances they are made.

3. VOLUNTARINESS IN PRACTICE

The *Handbook on Voluntary Repatriation* stresses the importance of the voluntary character of repatriation and defines it in relation to conditions in the country of origin, calling for an informed decision, and the situation in the country of asylum, permitting a free choice (UNHCR 1996: § 2.3). It is crucial to analyse these criteria and their application in the context of return to Afghanistan to shed light on the way these principles have developed in

the *Handbook*, the way they are used in practice, and the meaning for refugees in relation to their decision making process.

3.1. 'Informed Decision'

Information campaigns have become standard in voluntary UNHCR led repatriation programmes, as a crucial prerequisite 'to help insure a free and informed choice with regard to return' (Lumpp *et al.* 2004: 158). In the case of repatriation to Afghanistan, UNHCR and its partners have disseminated information on the situation in Afghanistan and the repatriation process through a mass information campaign using the BBC, Afghan radio and TV, local newspapers, UNHCR website, and registration and verification centres in Pakistan and Iran. Most UNHCR reports on the repatriation programme to Afghanistan mention the existence and practice of this information campaign to emphasise compliance with the requirements for 'voluntariness' (UNHCR 2002b: 12; Lumpp *et al.* 2004: 158-9; UNHCR 2005: 3). According to a UNHCR survey among returnees in April and May 2004, 81 percent of the respondents had received UNHCR information on the voluntary repatriation programme and 55 percent stated that their decision to return to Afghanistan was influenced by information provided by UNHCR (cited in Lumpp *et al.* 2004: 158). This is seen as a success by UNHCR in terms of compliance with standards set out in the *Handbook on Voluntary Repatriation* and in terms of ensuring voluntary and informed decision making on the part of refugees.

The *Handbook on Voluntary Repatriation* states that the information campaign 'must be objective, accurate and neutral...' and that it '...is not propaganda, and care must be taken not to paint an overly rosy picture of the return' (UNHCR 1996: § 4.2) The *Handbook* also outlines which content should be included in information campaigns: 'details of the situation in specific area(s) of return, including the level of security and problems such as the presence of landmines' (*ibid.*), repatriation and registration procedures, as well as specific information for vulnerable groups, to name a few (*ibid.*). Despite the relatively clear guidelines spelt out in the *Handbook* in relation to information provided, certain problems arise given its relatively powerful role in influencing the refugees' decision making process (Walsh *et al.* 1999: 115). The problem is that these information campaigns take place in 'a climate in which information is open to manipulation – whether consciously or unconsciously – by agencies and governments whose interest it is to talk up return...' (*ibid.*: 122). As a result, this information can over-emphasise the positive and downplay negative aspects of the situation in the country of origin, delivering inaccurate information. An examination of the actual information campaign is therefore necessary.

UNHCR issued biweekly 'Return Information Updates' intended for Afghans abroad as well as those displaced inside Afghanistan. These information updates are available in English as well as in the local languages of Dari and Pashto and can be accessed through the UNHCR website as well as through the website of the Afghanistan Information Management Services (AIMS), a partner of UNHCR in the information campaign. They have also been distributed in registration centres in Pakistan and Iran, in refugee camps, and through the BBC radio programme.

Within the scope of this paper, the internet was the only possible access to these updates. According to UNHCR, the first information update was created in March 2003; however, UNHCR's website only displays updates from August 2004 up to the most recent

of November 2004. The AIMS website displays the earliest available issue from October 2003 through to June 2004. Overall, nine issues are missing from both websites. Therefore, 17 return information updates in total could be used for analysis and evaluation in this paper. Each update contains five to eight specific topics that are addressed to provide, as a UNHCR spokesperson pointed out, '[refugees] with the maximum realistic information about their country of origin' (IRIN 2004). In order to generate an overview of the addressed topics, these have been coded, out of which seven main themes have been identified (see Annex 1). The table below shows how many times these broad themes have been addressed through specific topics in the 17 information updates.

Themes addressed	Number of Times Mentioned
Procedural Information	20
Assistance, Development and Reconstruction	19
Security	17
State-building	16
Economic Conditions	13
Sources for further Information	11
General Information	10

(Sources: UNHCR 2004a, b, c, d, e, f, g, h, i, j, k, l; 2003a, b, c, d, e)

My analysis shows that the updates most frequently mention issues surrounding practical and procedural information on the repatriation programme itself. Issues related to assistance, development and reconstruction are emphasised very frequently and in most detail. The updates provide extensive information on current reintegration and development projects, reconstruction activities by the government and by international aid agencies, as well as de-mining and disarmament efforts in various regions. In terms of assistance activities, the availability of housing and shelter, legal aid centres, and various employment and training opportunities are mentioned. The emphasis of these updates, it is suggested here, provides a sense of opportunities for refugees upon return.

It appears that although the issue of security is mentioned in every single information update, it does not provide a comprehensive account of the security situation. Information on security is broken down into regions and only isolated incidents of security threats are mentioned, on less than one page. The following UNHCR statement provides an illuminating example of the paradox of such references to the security situation: 'The most important information for Afghan refugees is the security situation in their villages and provinces' (IRIN 2003). However, there is no mention of persisting security patterns in the whole of Afghanistan with reference to which ethnicities or groups are still likely to be targeted or persecuted by which factions.

Issues surrounding state-building are also mentioned relatively often. Political developments in Afghanistan are highlighted by reference to the election process in particular, but also to constitutional developments and judicial reforms in certain provinces. This information portrays the government and state of Afghanistan as successfully developing into a democratic one. The weak and fragile power base of the central government is not addressed once in these updates.

With regard to the prevailing economic situation, the updates merely state the prices of essential commodities and only since December 2003. An overview of Afghanistan's major cities is provided detailing the costs of wheat, flour, bread, diesel, sheep, and the current exchange rate. A comprehensive analysis of the devastated and fragile socio-economic situation in Afghanistan is not accurately depicted in these information updates.

Finally, issues regarding the general situation in Afghanistan are rarely mentioned. A few references are made to health, agriculture, water, electricity, IDPs returning 'home', as well as to general situations in specific provinces. Also, every update since February 2004 indicates that the BBC radio programme on return to Afghanistan can be consulted for further information and provides details of these broadcasts.

Overall, it appears that the information campaign provides information in a selective, incomplete and patchy manner. Realistic information on security issues as well as the overall negative socio-economic and political situation has not been presented in these return information updates. Rather, the information campaign provides a sense of opportunity for refugees upon return. Furthermore, these updates are issued on a biweekly basis and only provide information on current developments and situations within the specified two weeks. Refugees are unlikely to have read and followed this campaign over long periods of time, therefore only getting a glimpse of the situation in Afghanistan not a summary or evaluation of the situation over time. As Turton and Marsden observed, through this information campaign a message of positive change was sent out, but the most important information was not provided, namely 'a realistic assessment of the timescale within which reconstruction assistance could be expected...' (2002: 30). As a result, some refugees who returned to Afghanistan who based their expectations on this information campaign, found a very different situation on the ground. Interviews conducted by Amnesty International with returnees revealed that 'they did not have access to objective, accurate and neutral information on the conditions to which they were returning in their villages or places of origin' (Amnesty International 2003a: 18). One returnee from Iran expressed his resentment: 'We wish now we hadn't returned; if we had known the real situation we wouldn't have come back' (cited in Amnesty International 2003a: 1). Other interviews disclosed that some refugees had been under the impression that the international community and UNHCR would continue to provide food and shelter assistance to returnees (ibid.: 18-9). The analysis of the role and content of UNHCR's information campaign (undertaken to ensure 'true' voluntariness) suggests that many Afghan refugees did not have access to accurate information when they 'voluntarily' decided to return. Amnesty International pointed out that '[r]eturnees feel deceived by reports, coming from host countries and UNHCR, that they could return to Afghanistan in safety and dignity' (Amnesty International 2003b).

In addition to the information campaign, the mere involvement of UNHCR in the repatriation programme 'surely sent out a powerful message, that in the opinion of the UN

and of the international community generally, now was the time to go “home” (Turton and Marsden 2002: 29), thus indirectly contributing ‘information’ to the information campaign. UNHCR distinguishes its role and degree of involvement in voluntary repatriation programmes on the basis of the prevailing conditions in the country of origin. The *Handbook on Voluntary Repatriation* gives a conceptual distinction between promoting repatriation and facilitating repatriation programmes. ‘Promotion of voluntary repatriation movements means actively undertaking broad and wide-ranging measures to advocate refugees’ return [...] when it appears that objectively, it is safe for most refugees to return...’ (UNHCR 1996: § 3.1). While: ‘UNHCR may facilitate voluntary repatriation when refugees indicate a strong desire to return voluntarily and/or have begun to do so on their own initiative, even when UNHCR does not consider that objectively, it is safe for most refugees to return’ (ibid.).

In the case of Afghanistan, UNHCR admitted that it was concerned ‘that much of Afghanistan remained unsafe and that there were likely to be areas of insecurities for time to come. The office therefore resolved to simply facilitate and assist the repatriation of people who expressed a wish to return...’ (UNHCR 2002b: 12). According to Turton and Marsden, ‘the concept of “facilitating” return is necessary in order to allow the UNHCR to exercise this supposed responsibility, without appearing to induce, encourage or “promote” return to fundamentally unsatisfactory situations’ (2002: 44). It appears that the distinction between ‘promotion’ and ‘facilitation’ is conceptually clearly defined, for UNHCR to be ‘on the safe side’. However, the case of repatriation to Afghanistan shows that this distinction was not observed and applied in practice. To the contrary, UNHCR engaged in activities associated with ‘promotion’. That is, a conceptual distinction was introduced between ‘promotion’ and ‘facilitation,’ whereas in practice none existed. Turton and Marsden conducted interviews with various UNHCR staff involved in the repatriation programme to Afghanistan, which show the semantic distinction between ‘promotion’ and ‘facilitation’ in practice:

[I]t sometimes appeared that the difference boiled down to who paid the truck driver. If UNHCR organises the transport, this is promotion, but if the refugees are given the money to make their own transport arrangements, this is facilitation (Turton and Marsden 2002: 45).

Furthermore, the *Handbook* states that ‘[w]here UNHCR is only facilitating repatriation, information campaigns with a view to promoting voluntary repatriation are not normally appropriate’ (UNHCR 1996: § 4.2). However, the vitality of the information campaign for the refugees’ informed and voluntary decision has been emphasised by UNHCR. Clearly, evidence points to the fact that UNHCR actively ‘promoted’ voluntary repatriation in practice and as a result, sent out encouraging messages to Afghan refugees. The organisation’s behaviour surely played a major role in ‘helping’ refugees decide to return ‘as the line between encouragement and promotion of voluntary repatriation and pressure to repatriate may not always be a clear one’ (Ruiz 1987, cited in Harrell-Bond 1989: 57).

3.2. ‘Free Choice’

As mentioned above, the *Handbook on Voluntary Repatriation* defines the voluntary character of repatriation in relation to the situation in the country of asylum, permitting a free choice for the refugee (UNHCR 1996: § 2.3). However, UNHCR very cautiously recognises:

The issue of ‘voluntariness’ implying an absence of any physical, psychological, or material pressure is, however, often *clouded* by the fact that for many refugees a decision to return is dictated by a combination of pressures due to political factors, security problems or material needs (UNHCR 1996: § 2.3 emphasis added).

In the case of voluntary repatriation to Afghanistan, the role of Pakistan's and Iran's policy and practice towards Afghan refugees was and continues to be extremely important in relation to 'voluntary' decision making. In recent years Pakistan and Iran have shown signs of 'asylum fatigue', largely due to the lack of burden-sharing by the international community. A Pakistani government official expressed, '[i]f donors have donor fatigue... then we have asylum fatigue... If donors' patience with the Afghan situation has run out, then so has ours' (USCR 2001, cited in Turton and Marsden 2002: 15). This development resulted in policies aimed at pushing refugees back to Afghanistan in contravention of international human rights standards. In addition, public hostility towards Afghan refugees increased in both countries (Amnesty International 2003a: 7). This general hostility on the part of authorities as well as the public, led many refugees to decide to repatriate.

The underlying problem giving rise to this hostile treatment is the lack of recognition of the legal status of Afghan refugees (Human Rights Watch 2002: 14). Although Iran is a signatory to the Geneva Convention and its Protocol, it chose to give Afghans the status of *mohajerin* (people who seek exile for religious reasons), thereby denying certain rights under the Geneva Convention, and leaving refugees dependent on benefits and the hospitality of the public. Until 1992, refugee status was granted on a *prima facie* basis to all Afghans arriving in the country. However, thereafter, all new arrivals were not granted the same residence rights, resulting in Afghans being considered by the Iranian authorities to be illegal immigrants. Since 1997, the Iranian government has stopped registering new arrivals from Afghanistan altogether, perceiving them to be economic migrants (Turton and Marsden 2002: 14-5).

In the mid-1990s, the unrecognised legal status of most Afghan refugees has led to the suspension of most benefits that were granted to Afghans in Iran, including access to education, health and subsidies. In addition, more recently, the government has increasingly associated unemployment, crime and drug problems in Iran with Afghan refugees in the country (Human Rights Watch 2002: 18). With the inability to make a living through official avenues, most Afghan refugees have resorted to illegal work, which has further increased their vulnerable position. This pervading atmosphere of hostility directed at refugees is manifested through frequent arrests, detention, verbal abuse by the public and arbitrary questioning. As an Afghan returnee from Iran expressed:

We were insulted a lot in Iran and harassed almost every day. Even if our children were allowed education, they are not allowed to get jobs. Every day we were psychologically and spiritually sick (cited in Amnesty International 2003a: 9).

Furthermore, the Iranian authorities have increasingly resorted to the deportation of Afghan refugees. In 1998, about 90,000 and in 1999, around 100,000 Afghans were forcibly returned from Iran to Afghanistan (Turton and Marsden 2002: 15). In 2000, the Iranian government passed a law known as 'Article 48' as part of the government's five-year development plan. This set out that all Afghans without work permits were required to leave the country before March 2001, unless they could demonstrate that they face physical threats upon return (Human Rights Watch 2002: 15). Amnesty International expressed the following concern:

Afghan refugees have been picked up by the police, some for not having their documents on their person when arrested. Others were removed from their homes, and placed in

overcrowded detention centres prior to being escorted to the border by authorities. Afghan refugees, including unaccompanied women and minors, are reportedly detained without access to their family... [Also], systematic threats [were made] by Iranian authorities to separate family members through deportation, in order to force the return of the whole family (Amnesty International 2003a: 10).

Very similar developments have taken place in relation to Afghan refugees in Pakistan. Contrary to Iran, Pakistan has neither signed the Geneva Convention nor its Protocol. Pakistan does not see itself as having to fulfil a legal obligation towards hosting Afghan refugees, but admitted Afghan refugees on the basis of a religious and humanitarian duty (Turton and Marsden 2002: 14). As a result, by the 1990s, the majority of Afghan refugees have not been registered, granted legal status, or issued identity documents. In addition, starting from late 1999 the government refused to consider newly arriving Afghans as *prima facie* refugees. In late 2000 Pakistan officially closed its borders, bringing its 'open-door' policy towards Afghan refugees to an end (Human Rights Watch 2002: 19). Then, in January 2001 the government issued public orders empowering the police to detain and deport newly arrived Afghans in NWFP and all undocumented Afghans already in Pakistan (ibid.: 20). Similarly as in Iran '[t]he central protection problem for most Afghan refugees in Pakistan is that many who have resided in Pakistan for years, as well as all recent arrivals, are undocumented' (ibid.: 26) and therefore in extremely vulnerable positions. One returnee from Pakistan stated his reasons for deciding to repatriate to Afghanistan:

Since Karzai came to power, the police in Pakistan have increased their harassment of Afghan refugees. I finally decided to bring my family back to Afghanistan before the police took all our savings (cited in Amnesty International 2003a: 7).

The lack of legal status for Afghan refugees in Pakistan has left many without any protection from harassment, extortion, and imprisonment by the Pakistani police. Moreover, in combination with cases of police harassment and detention, forced returns of Afghans from Pakistan occurred on a regular basis. Between October 2000 and May 2001 the government forcibly returned some 7,633 Afghans. In the beginning of 2001 the government issued public orders stating that the border should be strictly monitored for illegal immigrants and authorising the police to detain and deport newly arriving refugees. Forced returns continued even after the US-led bombing campaign began in October 2001, at a rate of 300 per month between October and November (Human Rights Watch 2002: 28).

Refugee camp closures are another part of Pakistan's efforts to reduce the number of Afghans on its territory. In 2002 the government of Pakistan decided to close sections of camps in NWFP, including Nasir Bagh, Jalozi and Kacha Garhi, as well as issuing eviction orders for the residents of these camps. This development forced thousands of refugees to move to urban areas of Pakistan or return to Afghanistan (Amnesty International 2003a: 8). In a move to further enhance its 'security' along the border areas, the government announced the closure of the majority of camps in the Federally Administered Tribal Areas (FATA) in 2004. Camps in South Waziristan were closed in September 2004, the remaining camps in FATA were closed between July and September 2005 and two camps in Balochistan were also slated for closure. Refugees were provided with a choice between voluntary repatriation and relocation to other existing camps. Additionally, the government of Pakistan has also initiated a decision to move some 18,000 urban Afghan populations scattered in and around Islamabad for 'security reasons', who were also given the choice between voluntary repatriation and relocation (UNHCR 2005: 14). According to UNHCR about 15,200 opted

for ‘voluntary’ repatriation with UNHCR assistance. UNHCR’s response to camp closures in Afghanistan were that ‘the camp closures went smoothly, with most of the refugees choosing to return voluntarily to Afghanistan’ (UNHCR 2005: 15).

However, recent developments in Pakistan illustrate the extent to which Afghan refugees in Pakistan remain subjected to coercion. In May 2007 three Afghan refugees were killed and ten others injured during clashes between Pakistani authorities and residents of the Jungle Pir Alizai refugee camp, following Pakistani officials demolishing homes in the camp. The camp was slated for closure by 15 June 2007, but has remained home to at least 35,000 Afghans, many of whom have lived in Pakistan since the 1979 Soviet invasion. Another three refugee camps are due to close in 2007, directly affecting 200,000 Afghan refugees (IRIN 2007).

As indicated by the evidence of continuing human rights violations in both Pakistan and Iran, these governments allow for conditions that involve the specific targeting of Afghan refugees, including their expulsion. The majority of Afghan refugees are not accorded legal status that would guarantee them a certain set of rights, but are left vulnerable to abuse and harassment by the authorities. The pervading harsh practice by these authorities is creating an extremely hostile environment aimed at getting rid of the Afghan population as quickly as possible. Pakistan justifies its harsh policies on the basis of security concerns, as Munir Akram, Pakistan’s permanent representative to the UN, explained during a UN Security Council session in January 2007:

The problem of cross-border militancy is closely related to the presence of over 3 million Afghan refugees [...] The Taliban militants are able to blend in with these refugees, making their detection more difficult. We would like to see all Afghan refugees repatriated to Afghanistan as soon as possible (Siddique 2007).

This is hardly conducive to an environment where Afghan refugees have free choice, as the *Handbook* sets out in order for repatriation to be truly voluntary. Amnesty International contends that “‘inducing” the repatriation of refugees through denying them their social and economic rights constitutes a breach of the principle of *non-refoulement*’ (Amnesty International 2003a: 15), and that ‘[a] free and informed decision to repatriate must, *inter alia*, arise out of a situation in the country of asylum which is sufficiently secure as to permit free choice’ (ibid.). Evidently, the case of repatriation to Afghanistan is not consistent with the requirements for voluntary repatriation as set out in the UNHCR *Handbook on Voluntary Repatriation*.

3.3. Any Choice?

UNHCR defines ‘voluntariness’ as a function of two preconditions: in relation to conditions in the country of origin, calling for an informed decision, and the situation in the country of asylum, permitting a free choice (UNHCR 1996: § 2.3). UNHCR understands the decision of the refugee simply to be between ‘staying or going’. Thus, if the refugee decides to return and the conditions are met, it amounts to ‘voluntary’ repatriation. Thereby the concept of ‘voluntariness’ is reduced to the ‘lowest common denominator’, balancing politics, institutional responsibilities and actual requirements for voluntariness. It seems that the agency has institutionalised the concept at a level that allows it to operate with internationally agreed standards applicable to a wide and diverse range of situations and environments. ‘Voluntariness’ developed into an operational, ‘tick-box’ criterion which helps

to organise, manage, monitor and evaluate voluntary repatriation programmes, including and especially in the case of large scale operations. The *Handbook* provides very clear guidelines on ‘practical measures’ of voluntariness (UNHCR 1996: § 4). It contains a list of practical details in relation to ‘establishing the voluntary character of repatriation’ (ibid. § 4.1), as well as measures and guidelines on how to run an information campaign (ibid. § 4.2). The third ‘measure’ of voluntariness is interviewing, counselling and registration, which UNHCR sees as:

[O]ne of the most practical methods of determining the voluntary character of a repatriation. It is normally accomplished by completing a Voluntary Repatriation Form (VRF), which *inter alia* records the refugee’s declaration of the voluntary nature of the decision to return, the choice of destination, family status, and profession or skills (UNHCR 1996: § 4.3).

The fourth ‘measure’ identified in the *Handbook* is the ‘computerisation of information on repatriants’ (ibid. § 4.4). It is evident from this language that the concept of ‘voluntariness’ has to be feasible in UNHCR practice and thus reflects categories of UNHCR’s procedural and operational concerns.

However, this understanding does not adequately capture the essence and meaning of voluntariness for refugees and their realities whose concepts of voluntariness seem to be more complex and less linear: ‘the issue of voluntariness in exercise of human will is analytically elusive and more in the province of philosophy’ (Helton 2002: 179). UNHCR’s approach understands ‘voluntariness’ in a relatively limited sense. It fails to adequately capture individual complexities of human experiences, and therefore does not incorporate the quality of choice.

One can differentiate between degrees of voluntariness. It can be a clear and open choice on the part of the refugee either to return or to stay permanently in the host country. It can be a choice between returning voluntarily when asked to do so, perhaps gaining financial or other incentives as a result, or staying and risking forcible return at some time in the future. Or, voluntary repatriation can occur when repatriation is the only *de facto* choice, providing force is not used (Black and Gent 2006: 19). In the case of repatriation to Afghanistan from Pakistan and Iran the degree of ‘voluntariness’ would fit between the second and the third scenario. These refugees were not provided with viable alternatives, or any alternative, to returning. Therefore, it is important to ask ‘who decides about the appropriateness and quality of choice to be given to refugees in relation to return?’ (Helton 2002: 179). Ultimately, the deciding actors were UNHCR, the countries of asylum, as well as the country of origin, but not refugees themselves.

The choices that refugees were provided with were highly restricted. The choice of staying in exile was not a free choice due to discriminatory policies towards Afghan refugees, including human rights violations and lack of legal status. Furthermore, camp closures in Pakistan forced refugees to move, either back to Afghanistan or into another camp. One returnee from Iran expressed his/her lack of choice: ‘I can’t go around the city because the police will arrest me. I can’t find work, so I had no choice but to leave’ (cited in Siddique 2007). Moreover, not only are choices regarding the decision to return limited; refugees are also constrained in terms of choosing the destination upon return. Amnesty International expressed concern about the ‘inability of many refugees [...] to sustain their return to their places of origin or preferred destination...’ (2003a: 3). Issues such as security, property and drought upon return to Afghanistan have an impact on the settlement of

returnees, constraining their choice of residence. As a result, ‘...many refugee returnees have been forced into a situation of internal displacement upon their return to Afghanistan...’ (ibid.: 13), entering a new cycle of displacement, not bringing one to an end. Refugees are ultimately left without much choice within the process of ‘voluntary’ repatriation. ‘In practice, voluntary repatriation is often used in situations which leave refugees with no other option than to return’ (Zieck 2004: 48), which illustrates the point that the concept of ‘voluntariness’ is really only applied and understood in a very restricted manner in UNHCR practice. The importance of choice for refugees in a wider sense is not recognised.

CONCLUSION

Working towards and implementing voluntary repatriation is to give refugees a chance to break away from being victims of persecution and to become a genuine part of the solution (Shirley C. deWolf, Christian Care, cited in UNHCR 1996).

UNHCR uses this quote on the first page of its *Handbook on Voluntary Repatriation*. It implies that refugees are central as participants and decision-makers within the concept of voluntary repatriation. Therefore voluntary repatriation is presented as the most desired and preferred solution for refugees. However, this study has shown instead how refugees’ role as central actors in deciding to repatriate has diminished over time, in particular when looking at evidence from the case of Afghanistan. The purpose of this paper has been to explore the voluntary dimension for refugees in the process of voluntary repatriation to Afghanistan. I have argued that voluntary repatriation has been shaped by powerful political interests, rather than by refugees themselves. My findings are grounded in an international legal framework as well as in a theoretical geopolitical framework and are supported by the analysis of implementation and practices of ‘voluntariness’ within repatriation in the case of Afghanistan.

The voluntary nature of voluntary repatriation has been weakened and eroded on various levels. First, the role of voluntariness has eroded on the level of principles and guidelines regulating voluntary repatriation. As the solution of voluntary repatriation does not have a firm legal grounding in international law, UNHCR has steadily eased the requirements to repatriation over the years. This has then become enshrined in the *Handbook on Voluntary Repatriation*. The voluntariness of refugees was the central criterion in voluntary repatriation in the 1980s, but has been increasingly overshadowed by UNHCR’s and states’ increasing authority to judge whether conditions in the country of origin are conducive for voluntary repatriation to take place. Essentially, the claims and interests of UNHCR and states surpass those of refugees under the new concept of return in ‘safety and dignity’.

Second, the power of politics is embedded in the practice of voluntary repatriation. The interests of Western states have been instrumental in creating an international refugee regime aimed predominantly at containing refugee flows and restricting access to the territories of rich, industrialised states. This regime favours voluntary repatriation as the preferred durable solution as it fits in with this objective. UNHCR, as the main actor in this regime, has acted accordingly, lowering barriers to repatriation and increasing the frequency of use of voluntary repatriation, largely neglecting alternative solutions for refugees. In the case of Afghanistan, regional political dynamics were crucial pressures for voluntary

repatriation to be pushed forward to 'solve' the problem of the huge Afghan refugee population. Voluntary repatriation is a function of political parameters, and is often imposed on refugees.

Third, the analysis of voluntariness in the case of Afghanistan shows that Afghan refugees were largely pressured to return. Even though UNHCR is supposed to adhere to its guidelines of procedures to 'ensure' voluntariness in practice, repatriation to Afghanistan pointed to the fact that this was not the case. It seems that UNHCR rules have been flattened in practice, leaving refugees with no choice but to return. UNHCR has taken a pragmatic stance in this politically charged context and admits that '...finding a workable balance between Afghanistan's absorption capacity and the high returns, and between voluntariness and the pressures on asylum space, will remain key protection concerns for UNHCR' (UNHCR 2006a: 144). However, this 'workable balance' seems to seriously challenge the protection of refugees and thus compromise the voluntary nature of 'voluntary' repatriation, leaving refugees in a very vulnerable position. Harrell-Bond rightly pointed out that '[r]efugees are, by definition, the most powerless, and UNHCR was established to represent their interests' (1989: 56). In light of 'voluntary' repatriation in the case of Afghanistan, UNHCR's assertion that refugees are a 'genuine part of the solution' rings false.

REFERENCES CITED

- AMNESTY INTERNATIONAL** (2003a) 'Afghanistan, Out of Sight, Out of Mind: The Fate of the Afghan Returnees' AI Index: ASA 11/014/2003.
- _____ (2003b) 'Afghanistan in turmoil as refugees return' (online) *The Wire* July 2003 AI Index: NSW 21/006/2003. Available from: <<http://web.amnesty.org/wire/July2003/Afghanistan>> (Accessed 15 February 2007).
- BARNETT, M.** (2001) 'UNHCR and the ethics of repatriation' (online) *Forced Migration Review*. 10: 31-34. Available from: <http://www.fmreview.org/FMRpdfs/FMR10/fmr10.11.pdf> (Accessed 18 February 2007)
- BARUTCISKI, M.** (1998) 'Involuntary Repatriation when Refugee Protection is No Longer Necessary: Moving Forward after the 48th Session of the Executive Committee' *International Journal of Refugee Law* 10(1-2): 236-255.
- BIJLEVELD, A.W.** (2004) 'Foreword' *Refugee Survey Quarterly* 23(3).
- BLACK, R.** and **GENT, S.** (eds.) (2006) 'Sustainable Return in Post-conflict Contexts' *International Migration* 44(3): 15-38.
- BLACK, R.** and **KOSER, K.** (1999) *The End of the Refugee Cycle? Refugee Repatriation and Reconstruction*. New York, Oxford: Berghahn Books.
- BLITZ, B., SALES, R.** and **MARZANO, L.** (2005) 'Non-Voluntary Return? The Politics of Return to Afghanistan' *Political Studies* 53: 182-200.
- CHETAIL, V.** (2004) 'Voluntary Repatriation in Public International Law: Concepts and Contents' *Refugee Survey Quarterly* 23(3): 1-32.
- CHIMNI, B.S.** (1991) 'Perspectives on Voluntary Repatriation: A Critical Note' *International Journal of Refugee Law* 3(3): 541-546.

- _____ (1999) 'From Resettlement to Involuntary Repatriation: Towards a Critical History of Durable Solutions to Refugee Problems' *New Issues in Refugee Research*. Working Paper No. 2. Geneva: UNHCR.
- _____ (1998) 'The Geopolitics of Refugee Studies: A View from the South' *Journal of Refugee Studies* 11(4): 350-374.
- FRELICK, B.** (1990) 'Opinion: The Right of Return' *International Journal of Refugee Law* 2(3): 442-447.
- GIBNEY, M.J.** (2004) *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees*. Cambridge: Cambridge University Press.
- GOODWIN-GILL, G.S.** (1996) *The Refugee in International Law*. Oxford: Clarendon Press.
- HARRELL-BOND, B.** (1989) 'Repatriation: Under What Conditions is it the Most Desirable Solution for Refugees?' *African Studies Review* 32: 41-69.
- HATHAWAY, J.C.** (1997) 'The Meaning of Repatriation' *Journal of Refugee Law* 9(4): 551-558.
- HELTON, A.C.** (2002) *The Price of Indifference: Refugees and Humanitarian Action in the New Century*. Oxford: Oxford University Press.
- HUMAN RIGHTS WATCH** (2002) 'Afghanistan, Iran, and Pakistan, Closed Door Policy: Afghan Refugees in Pakistan and Iran' 14(2G).
- HUYSMANS, J.** (2006) *The Politics of Insecurity: Fear, Migration and Asylum in the EU*. London, New York: Routledge.
- IRIN** (2007) 'UNHCR appeals for calm after refugee camp violence' (online) *Humanitarian News and Analysis: UNOCHA* 17 May. Available from: <<http://www.irinnews.org/Report.aspx?ReportId=72209>> (Accessed 19 May 2007).
- _____ (2004) 'Radio programme helps Afghans decide when to return' (online) *Humanitarian News and Analysis: UNOCHA* 26 November. Available from: <<http://www.irinnews.org/Report.aspx?ReportId=26504>> (Accessed 13 May 2007).
- _____ (2003) 'Information campaign vital for Afghan refugees' (online) *Humanitarian News and Analysis: UNOCHA* 17 March. Available from: <<http://www.irinnews.org/Report.aspx?ReportId=19501>> (Accessed 13 May 2007).
- LOESCHER, G.** (2001) *The UNHCR and World Politics: A Perilous Path*. Oxford: Oxford University Press.
- LUMPP, K., SHIMOZAWA, S. and STROMBERG, P.** (2004) 'Voluntary Repatriation to Afghanistan: Key Features' *Refugee Survey Quarterly* 23(3): 149-173.
- SIDDIQUE, A.** (2007) 'Afghan Refugees Reluctant to Leave Pakistan' (online) *Eurasianet* 26 March. Available from: <http://www.eurasianet.org/departments/insight/articles/eav032607_pr.shtml> (Accessed 27 March 2007).
- STRAND, A. and BAUCK, P.** (2004) 'A New Approach to Afghan Refugees: Victims of Shifting Politics', in Nachmias, N. and Goldstein, R. (eds.) (2004) *The Politics of Forced Migration: A Conceptual, Operational and Legal Analysis*. Baltimore: Publish America.

- TAKAHASHI, S.** (1997) 'The UNHCR *Handbook on Voluntary Repatriation: The Emphasis on Return over Protection*' *International Journal of Refugee Law* 9(4): 592-612.
- TURTON, D.** and **MARSDEN, P.** (2002) 'Taking Refugees for a Ride? The Politics of Refugee Return to Afghanistan' (online) *Issues Paper Series*. Kabul: Afghanistan Research and Evaluation Unit (AREU). Available from: <http://www.areu.org.af/index.php?option=com_docman&task=doc_view&gid=330> (Accessed 15 November 2006).
- UNHCR** (2007) 'Operational Information Summary Report Update March 02 – Feb 07' (online) *Operational Information Unit*, Branch Office Kabul: UNHCR. Available from: <<http://www.aims.org.af/rootll.aspx?seckeyf=485>> (Accessed 13 May 2007).
- _____ (2006a) *The State of the World's Refugees: Human Displacement in the New Millennium*. Oxford: Oxford University Press.
- _____ (2006b) *The Protection Induction Programme Handbook* (online) Geneva: UNHCR. Available from: <<http://www.unhcr.org/publ/PUBL/44b5005c2.pdf>> (Accessed 15 May 2007).
- _____ (2005) 'Voluntary Repatriation to Afghanistan 2005' (online) *Data Management Unit*, Branch Office Islamabad: UNHCR. Available from: <<http://www.unhcr.org.pk/publications/Annual%20Report%202005.pdf>> (Accessed 15 February).
- _____ (2004a) 'Return Information Update: Issue 68, 1 November 2004' (online) Branch Office Kabul: UNHCR. Available from: <<http://www.unhcr.org.uk/afghanistan/documents/68eng.doc>> (Accessed 01 March 2007).
- _____ (2004b) 'Return Information Update: Issue 67, 15 October 2004' (online) Branch Office Kabul: UNHCR. Available from: <<http://www.unhcr.org.uk/afghanistan/documents/67eng.doc>> (Accessed 01 March 2007).
- _____ (2004c) 'Return Information Update: Issue 66, 1 October 2004' (online) Branch Office Kabul: UNHCR. Available from: <<http://www.unhcr.org.uk/afghanistan/documents/66eng.doc>> (Accessed 01 March 2007).
- _____ (2004d) 'Return Information Update: Issue 65, 15 September 2004' (online) Branch Office Kabul: UNHCR. Available from: <<http://www.unhcr.org.uk/afghanistan/documents/65eng.doc>> (Accessed 01 March 2007).
- _____ (2004e) 'Return Information Update: Issue 64, 1 September 2004' (online) Branch Office Kabul: UNHCR. Available from: <<http://www.unhcr.org.uk/afghanistan/documents/64eng.doc>> (Accessed 01 March 2007).
- _____ (2004f) 'Return Information Update: Issue 63, 15 August 2004' (online) Branch Office Kabul: UNHCR. Available from: <<http://www.unhcr.org.uk/afghanistan/documents/63eng.doc>> (Accessed 01 March 2007).

- _____ (2004g) 'Return Information Update: Issue 59, 15 June 2004' (online) Branch Office Kabul: UNHCR. Available from: <<http://www.aims.org.af/rootll.aspx?seckeyf=484>> (Accessed 15 March 2007).
- _____ (2004h) 'Return Information Update: Issue 56, 1 May 2004' (online) Branch Office Kabul: UNHCR. Available from: <<http://www.aims.org.af/rootll.aspx?seckeyf=484>> (Accessed 15 March 2007).
- _____ (2004i) 'Return Information Update: Issue 54, 1 April 2004' (online) Branch Office Kabul: UNHCR. Available from: <<http://www.aims.org.af/rootll.aspx?seckeyf=484>> (Accessed 15 March 2007).
- _____ (2004j) 'Return Information Update: Issue 52, 1 March 2004' (online) Branch Office Kabul: UNHCR. Available from: <<http://www.aims.org.af/rootll.aspx?seckeyf=484>> (Accessed 15 March 2007).
- _____ (2004k) 'Return Information Update: Issue 51, 15 February 2004' (online) Branch Office Kabul: UNHCR. Available from: <<http://www.aims.org.af/rootll.aspx?seckeyf=484>> (Accessed 15 March 2007).
- _____ (2004l) 'Return Information Update: Issue 49, 15 January 2004' (online) Branch Office Kabul: UNHCR. Available from: <<http://www.aims.org.af/rootll.aspx?seckeyf=484>> (Accessed 15 March 2007).
- _____ (2003a) 'Return Information Update: Issue 47, 15 December 2003' (online) Branch Office Kabul: UNHCR. Available from: <<http://www.aims.org.af/rootll.aspx?seckeyf=484>> (Accessed 15 March 2007).
- _____ (2003b) 'Return Information Update: Issue 46, 1 December 2003' (online) Branch Office Kabul: UNHCR. Available from: <<http://www.aims.org.af/rootll.aspx?seckeyf=484>> (Accessed 15 March 2007).
- _____ (2003c) 'Return Information Update: Issue 45, 18 November 2003' (online) Branch Office Kabul: UNHCR. Available from: <<http://www.aims.org.af/rootll.aspx?seckeyf=484>> (Accessed 15 March 2007).
- _____ (2003d) 'Return Information Update: Issue 44, 1 November 2003' (online) Branch Office Kabul: UNHCR. Available from: <<http://www.aims.org.af/rootll.aspx?seckeyf=484>> (Accessed 15 March 2007).
- _____ (2003e) 'Return Information Update: Issue 43, 15 October 2003' (online) Branch Office Kabul: UNHCR. Available from: <<http://www.aims.org.af/rootll.aspx?seckeyf=484>> (Accessed 15 March 2007).
- _____ (2002a) 'UNHCR Background Note on Voluntary Repatriation; Global Consultations on International Protection, 4th Meeting' *Refugee Survey Quarterly* 23(3), 2004.
- _____ (2002b) 'Return to Afghanistan 2002' (online) Geneva: UNHCR. Available from: <<http://www.unhcr.org/afghan-crisis/return2002.pdf>> (Accessed 15 February).
- _____ (1996) *Handbook on Voluntary Repatriation: International Protection* (online) Geneva: UNHCR. Available from: <<http://www.unhcr.org/publ/PUBL/3bfe68d32.pdf>> (Accessed 15 February).
- _____ (1985) 'Conclusion n° 40 (XXXVI) on Voluntary Repatriation Executive Committee of the High Commissioner's Programme' *Refugee Survey Quarterly* 23(3): 236-238.

- _____ (1980) 'Conclusion n° 18 (XXXI) on Voluntary Repatriation Executive Committee of the High Commissioner's Programme' *Refugee Survey Quarterly* 23(3): 235-236.
- VAN SELM, J.** (2002) 'Foreign Policy Considerations in Dealing with Afghanistan's Refugees: When Security and Protection Collide' (online) *Forced Migration Review*. 13: 16-18. Available from: <<http://www.fmreview.org/FMRpdfs/FMR13/fmr13.6.pdf>> (Accessed 12 December 2006).
- WALSH, M., BLACK, R. and KOSER, K.** (1999) 'Repatriation from the European Union to Bosnia-Herzegovina: the Role of Information', in Black, R. and Koser, K. (eds.) (1999) *The End of the Refugee Cycle? Refugee Repatriation and Reconstruction*. New York, Oxford: Berghahn Books.
- WARNER, D.** (1994) 'Voluntary Repatriation and the Meaning of Return to Home: A Critique of Liberal Mathematics' *Journal of Refugee Studies* 7(2/3): 160-174.
- WEINER, M.** (1995) *The Global Migration Crisis: Challenge to States and Human Rights*. New York: Harper Collins.
- ZIECK, M.** (1997) *UNHCR and Voluntary Repatriation of Refugees: A Legal Analysis*. The Hague, Boston, London: Martinus Nijhoff Publishers.
- _____ (2004) 'Voluntary Repatriation: Paradigm, Pitfalls, Progress' *Refugee Survey Quarterly* 23(3): 33-54.

Treaties and Legal Instruments

- African Charter on Human and People's Rights, 1981 (OAU Doc. CAB/LEG/67/3 rev. 5; 21 ILM 58).
- American Convention on Human Rights, 1969 (1144 UNTS 123).
- Convention Relating to the Status of Refugees, 1951 (189 UNTS 137).
- European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950 (213 UNTS 221).
- International Convention on the Elimination of All Forms of Racial Discrimination, 1965 (60 UNTS 195).
- International Covenant on Civil and Political Rights, 1966 (999 UNTS 172).
- OAU Convention governing Specific Aspects of Refugee Problems in Africa, 1969 (10011 UNTS 14691).
- Statute of the United Nations High Commissioner for Refugees, 1950 (UNGA Resolution 428(V)).
- Universal Declaration of Human Rights, 1948 (UNGA Resolution 217A (III)).

ANNEX 1: IDENTIFICATION OF THEMES

Codification of themes addressed in UNHCR Return Information Updates

Issue 68 (UNHCR 2004a)

- (2) Regional News Stories
- (7) Return of Afghans from Non-Neighbouring Countries
- (2) Legal Aid Centres
- (3) Security
- (1) Announcements to Returnees
- (6) Radio Programmes
- (5) Prices of Essential Commodities

Issue 67 (UNHCR 2004b)

- (1) Women's Dormitory
- (1) Night Faculty in Heart
- (7) Bamyan Province
- (3) Security
- (1) Announcements to Returnees
- (6) Radio Programme
- (5) Prices of Essential Commodities

Issue 66 (UNHCR 2004c)

- (4) Election Process
- (3) Security
- (1) Announcements to Returnees
- (6) Radio Programmes
- (5) Prices of Essential Commodities

Issue 65 (UNHCR 2004d)

- (1) Announcements to Returnees
- (4) President's Decree on Disarmament
- (2) Cultural Centres' Activities in Afghanistan
- (3) Security
- (6) Radio Programmes
- (5) Prices of Essential Commodities

Issue 64 (UNHCR 2004e)

- (2) Step by Step Guidelines for Finding Jobs
- (4) Voter Registration Closed
- (2) Regional News
- (1) Announcements to Returnees
- (3) Security
- (5) Prices of Essential Commodities
- (6) Radio Programmes

Issue 63 (UNHCR 2004f)

- (1) Announcements to Returnees
- (4) JEMB Announces Candidates for the Presidential Election
- (4) Afghan Voter Registrants pass 9.5 Million Mark
- (5) Industries in Afghanistan
- (3) Security
- (5) Prices of Essential Commodities
- (6) Radio Programmes

Issue 59 (UNHCR 2004g)

- (1) Announcements to Returnees
- (4) Voter Registration
- (2) National Solidarity Programme reaches 2.9 Million Afghans
- (7) Electricity in Afghanistan
- (3) Security
- (6) Radio Programmes
- (5) Prices of Essential Commodities

Issue 56 (UNHCR 2004h)

- (1) Announcements
- (2) Re-built Bamyan University
- (2) Health Worker Training
- (2) Housing and Shelter
- (3) Security
- (6) Radio Programmes
- (5) Prices of Essential Commodities

Issue 54 (UNHCR 2004i)

- (1) Announcements
- (2) Provincial Reconstruction Teams
- (3) Security
- (2) Employment
- (6) Radio Programmes
- (5) Prices of Essential Commodities

Issue 52 (UNHCR 2004j)

- (1) Announcements
- (4) President Karzai signs Decree on Election
- (2) Provincial Reconstruction Teams
- (7) IDPs from Northern Province To Return Home
- (3) Security
- (7) Environment in Afghanistan
- (1) Announcements to Returnees
- (6) Radio Programmes

Issue 51 (UNHCR 2004k)

- (1) Announcements
- (4) Regulation on Offences during Voter Registration
- (4) Judicial Reform in Four Provinces
- (3) Security
- (7) Water in Afghanistan
- (6) Radio Programmes
- (5) Prices of Essential Commodities

Issue 49 (UNHCR 2004l)

- (1) Announcements
- (4) Voter Registration
- (4) Loya Jirga
- (3) Security
- (7) Health in Afghanistan

Issue 47 (UNHCR 2003a)

- (1) Announcements
- (4) Loya Jirga Starts
- (4) Presidential Decree on Voter Registration
- (3) Security
- (2) Demining in Afghanistan
- (5) Prices of Essential Commodities

Issue 46 (UNHCR 2003b)

- (1) Announcements to Returnees
- (2) Disarmament in Paktia
- (2) National Solidarity Programme in Gardez
- (4) Decree on the Registration
- (3) Security
- (4) Constitutional Loya Jirga

Issue 45 (UNHCR 2003c)

- (1) Announcements to Returnees
- (2) Disarmament in Kunduz
- (2) National Solidarity Programme in Nangarhar
- (3) Security
- (7) Agriculture in Afghanistan

Issue 44 (UNHCR 2003d)

- (1) Announcements to Refugees
- (2) Disarmament is underway
- (5) Banking in Afghanistan
- (3) Security
- (7) Herat City

Issue 43 (UNHCR 2003e)

- (1) Announcements to Refugees
- (2) Nation Building
- (4) State Building
- (3) Security
- (7) IDPs in Afghanistan

Identified Themes:

- (1) Procedural Information (mentioned 20 times)
- (2) Assistance, Development and Reconstruction (mentioned 19 times)
- (3) Security (mentioned 17 times)
- (4) State-building (mentioned 16 times)
- (5) Economic Conditions (mentioned 13 times)
- (6) Sources for Further Information (mentioned 11 times)
- (7) General Information (mentioned 10 times)